

Public Notice

U.S. Army Corps of Engineers, Norfolk District

February 26, 2009

CENAO-REG
NAO-2009-0338 (VMRC 09-0073)

FEDERAL PUBLIC NOTICE

The District Commander has received a joint application for Federal and State permits as described below:

APPLICANT

Colonna's Shipyard
400 East Indian River Road
Norfolk, VA 23523

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in the Eastern Branch of the Elizabeth River at 400 East Indian River Road in Norfolk, Virginia.

PROPOSED WORK AND PURPOSE: The applicant is proposing to expand the existing facility by developing the "West Yard" of Colonna's Shipyard, which is located directly west of Pescara Creek. The applicant proposes to construct a 550 linear foot long steel sheet pile bulkhead that will not extend more than 2 feet channelward beyond the existing deteriorated bulkhead. The new bulkhead will impact 630 square feet of tidal vegetated wetlands, 4,775 square feet of tidal non-vegetated wetlands and 2,740 square feet of subaqueous bottom.

A total of 69,450 cubic yards will be dredged to a depth of -22 MLW in the basin north of the bulkhead in order to accommodate deep water berthing. The toe of the dredge cut will be 133,645 square feet (3.07 acres) and the top cut will be 159,045 square feet (3.65 acres). Dredging impacts include 154,550 square feet of subaqueous bottom, 4,175 square feet of non-vegetated wetlands and 320 square feet of vegetated wetlands. Dredged material will be transported and disposed into the Craney Island Rehandling Basin.

Two piers, Pier 8 and Pier 9 will be constructed in the new dredged basin to accommodate berthed vessels and a 1,000 ton Marine Travelift. Pier 8 will be 257 foot long by 41 foot wide with a 50 foot long by 18 foot wide ramp. Pier 9 will be 433 foot long by 45 foot wide with a 50 foot long by 18 foot wide ramp.

Mitigation: Efforts were made by the applicant to avoid and minimize impacts during project design. The applicant proposes to mitigate for the unavoidable vegetated and non-vegetated wetland impacts by utilizing 3,187.5 square feet of wetland credits at the Libertyville Road Tidal Mitigation Bank, located in Chesapeake, VA. The applicant has provided a letter which shows that the Bank has the credits available for use.

Project drawings are attached.

In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit/401 certification from the Virginia Department of Environmental Quality assuring that applicable laws and regulations pertaining to water quality are not violated and a permit from the WHAT Wetlands Board. Project drawings are attached.

AUTHORITY: Permits are required pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Commander within 30 days of the date of this

notice, stating specific reasons for holding the public hearing. The District Commander will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings. For compliance with the Coastal Zone Management Act of 1972, as amended, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal zone (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Resources Management Program (VCP). For more information or to obtain a list of the enforceable programs of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: elirons@deq.virginia.gov.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Sloop Creek contains Essential Fish Habitat (EFH) for the life stages of 11 species including Yellowtail and Summer Flounder, Bluefish, Atlantic Butterfish, Black Sea Bass, King and Spanish Mackerel, Cobia, Red Drum, Dusky Shark, and Sandbar Shark. The habitat that this project would affect consists of sub-tidal waterway with an average ambient depth of 2 feet at mean low water. The proposed project is described in Proposed Work and Purpose, above. Any recognized change in the EFH will be limited to the proposed deepening by mechanically dredging to a depth of 5 feet at mean low water. The depths in remainder of the waterway will not be affected. No submerged aquatic or vegetated wetlands are expected to be impacted. Our assessment of the project leads us to a preliminary determination that it will not have a substantial adverse effect on EFH and therefore expanded EFH consultation is not required. **Our rationale for this preliminary determination is based on the expected short-term nature of the direct impacts/minimal increases in turbidity/changes in water temperature or salinity caused by the proposed work/the minimum amount of vegetated wetlands, minimum amount of submerged aquatic vegetation, and anadromous fish spawning habitat/ existing poor water quality/unsuitable substrate.** Based on comments from the National Marine Fisheries Service in response to this public notice, further EFH consultation may be necessary.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-REG), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on Monday March 30, 2009.

If you have any questions about this project or the permit process, please contact:

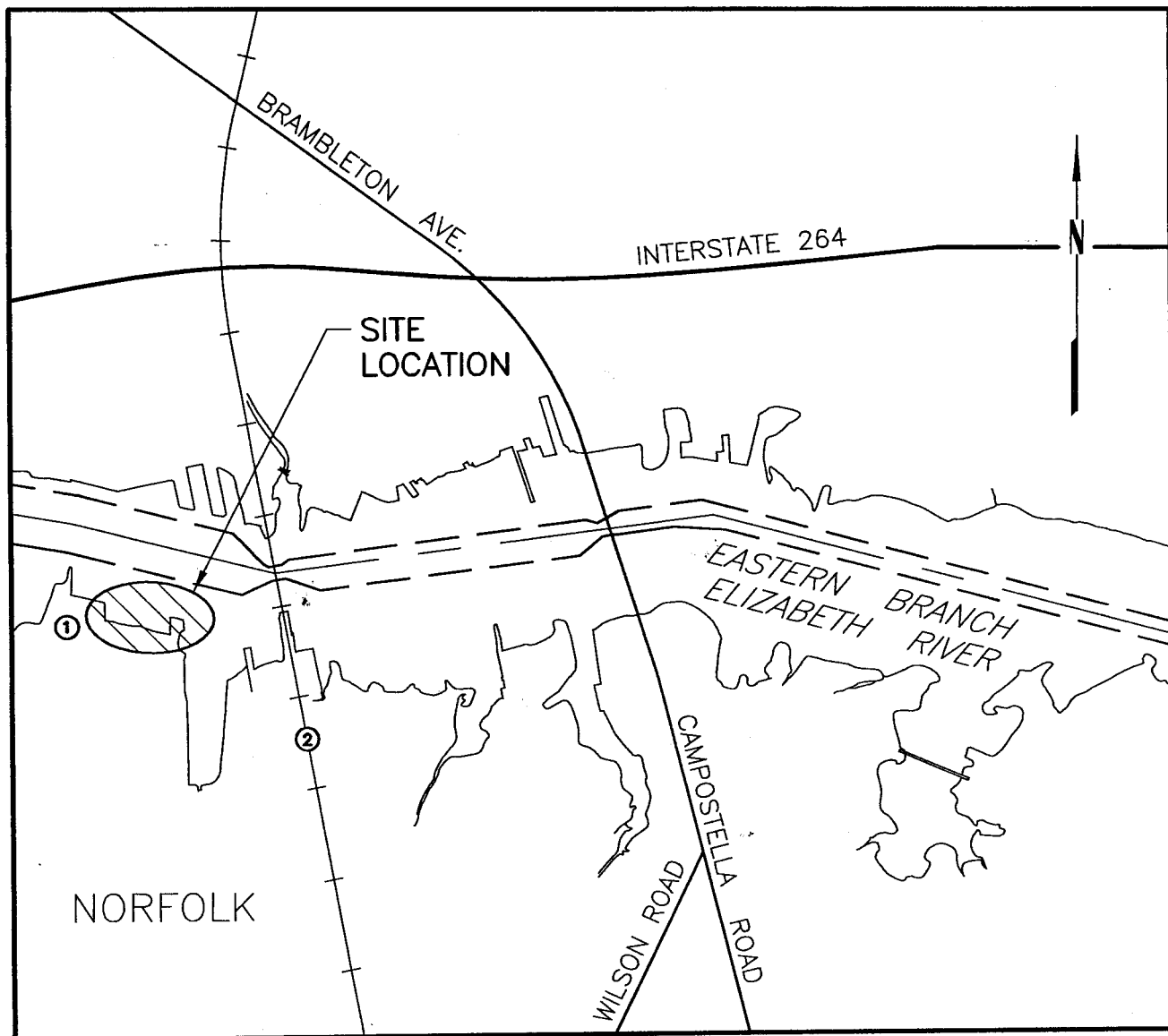
Amy Bourne at 757-201-7579 or amy.c.bourne@usace.army.mil

FOR THE DISTRICT COMMANDER:


A handwritten signature in black ink that reads "Nicholas L. Konchuba". The signature is written in a cursive, flowing style.

Nicholas L. Konchuba
Chief, Eastern Virginia
Regulatory Section

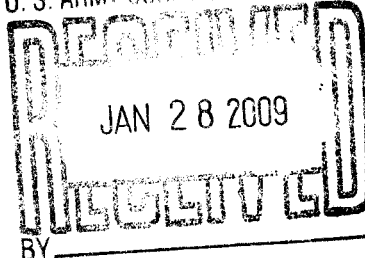
Attachment: Drawings



NOTES:

1. SOUNDINGS ARE IN FEET REFERRED TO MEAN LOWER LOW WATER (MLLW) NOS, NATIONAL TIDAL DATUM EPOCH (NTDE) 1983-2001.
2. COORDINATES ARE IN FEET REFERRED TO VIRGINIA STATE GRID (SOUTH ZONE) BASED ON NAD83.
3.  AREA TO BE DREDGED TO -22' (MLW)

U. S. ARMY CORPS OF ENGINEERS



NOTE:
FOR PERMIT USE ONLY.
NOT FOR CONSTRUCTION.

PURPOSE: BULKHEAD, PIER & DREDGING
DATUM: N.O.S. MLLW=0.0'

ADJACENT PROPERTY OWNERS:

- ① ELM ENTERPRISES, LLC
- ② NORFOLK & SOUTHERN

VICINITY MAP

PREPARED BY:

Waterway

Surveys & Engineering, Ltd.
321 Cleveland Place, Virginia Beach, Va. 23462
Tel: (757) 490-1691 Fax: (757) 490-1348

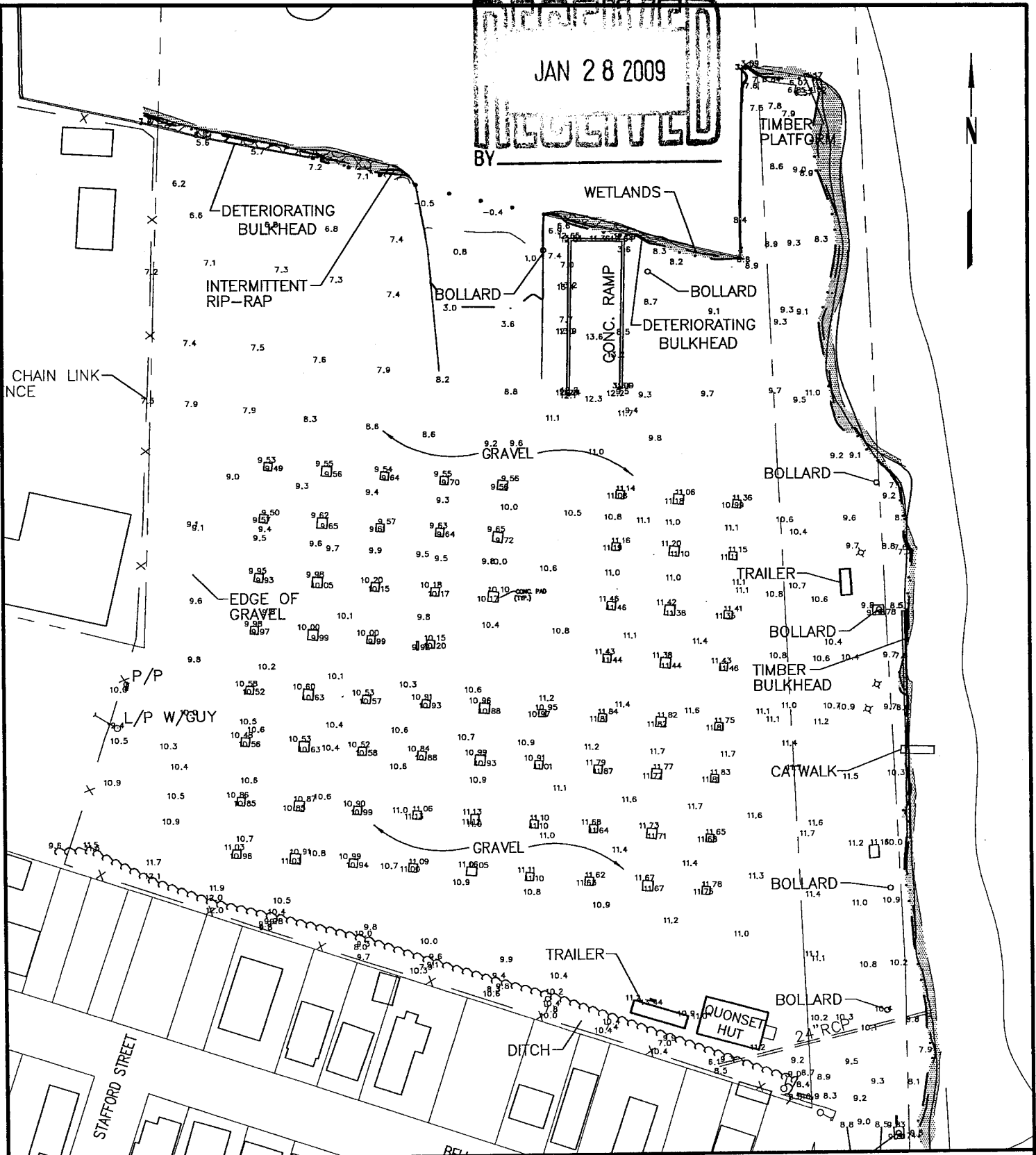
PROPOSED BULKHEAD, PIER & DREDGING
IN: EASTERN BRANCH ELIZABETH RIVER
CITY: NORFOLK STATE: VIRGINIA
APPLICATION BY: COLONNA'S SHIPYARD

SCALE: N.T.S.
SHEET 1 OF 11

DATE: JANUARY 20, 2009

JAN 28 2009

BY



PURPOSE: BULKHEAD, PIER & DREDGING
DATUM: N.O.S. MLLW=0.0'

ADJACENT PROPERTY OWNERS:

- ① ELM ENTERPRISES, LLC
- ② NORFOLK & SOUTHERN

EXISTING CONDITION

PREPARED BY:

Waterway

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321 Cleveland Place, Virginia Beach, Va. 23462
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PROPOSED BULKHEAD, PIER & DREDGING
IN: EASTERN BRANCH ELIZABETH RIVER
CITY: NORFOLK STATE: VIRGINIA
APPLICATION BY: COLONNA'S SHIPYARD

SCALE: 1"=100'
SHEET 2 OF 11

DATE: JANUARY 20, 2009

JAN 28 2009

BY

PIER 9

BOLLAR

3.0

7.4

7.4

DETERIORATING
BULKHEAD 6.8

7.3

INTERMITTENT
RIP-RAP

7.3

7.1

MHW
(+3.00' MLLW)

MLW
(+0.14' MLLW)

TIDAL WETLANDS
(+4.06' MLLW; +2.23' NAVD)

6.2

6.6

7.2

PURPOSE: BULKHEAD, PIER & DREDGING
DATUM: N.O.S. MLLW=0.0'

ADJACENT PROPERTY OWNERS:

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PROPOSED BULKHEAD

PREPARED BY:

Waterway

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321 Cleveland Place, Virginia Beach, Va. 23462
Tel: (757) 490-1691 Fax: (757) 490-1348

PROPOSED BULKHEAD, PIER & DREDGING
IN: EASTERN BRANCH ELIZABETH RIVER

CITY: NORFOLK

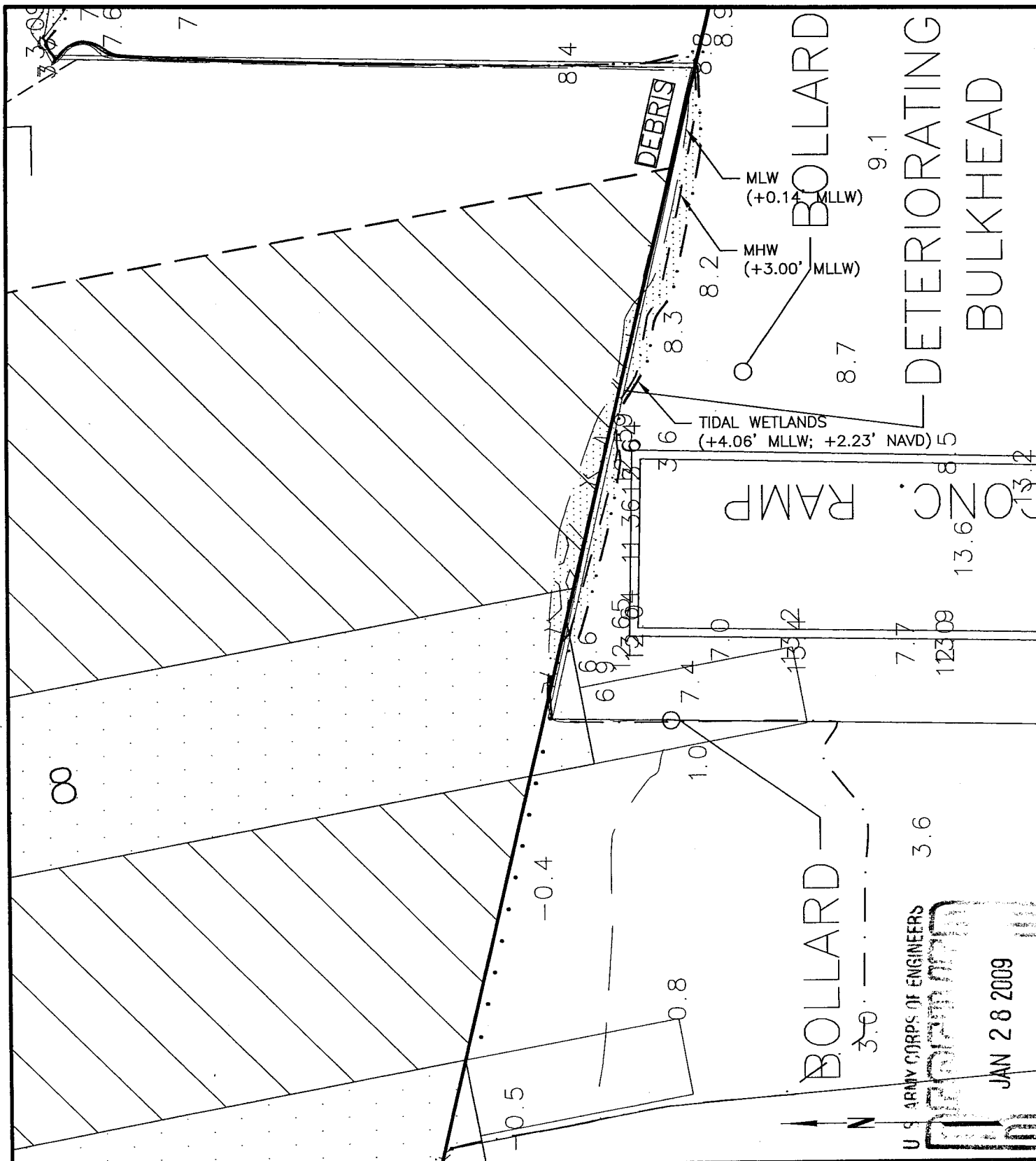
STATE: VIRGINIA

APPLICATION BY: COLONNA'S SHIPYARD

SCALE: 1"=30'

DATE: JANUARY 20, 2009

SHEET 4 OF 11



PURPOSE: BULKHEAD, PIER & DREDGING
 DATUM: N.O.S. MLLW=0.0'

ADJACENT PROPERTY OWNERS:

- ① ELM ENTERPRISES, LLC
- ② NORFOLK & SOUTHERN

PROPOSED BULKHEAD

PREPARED BY:

Waterway

Surveys & Engineering, Ltd.
 321 Cleveland Place, Virginia Beach, Va. 23462
 Tel. (757) 490-1621 Fax: (757) 490-1348

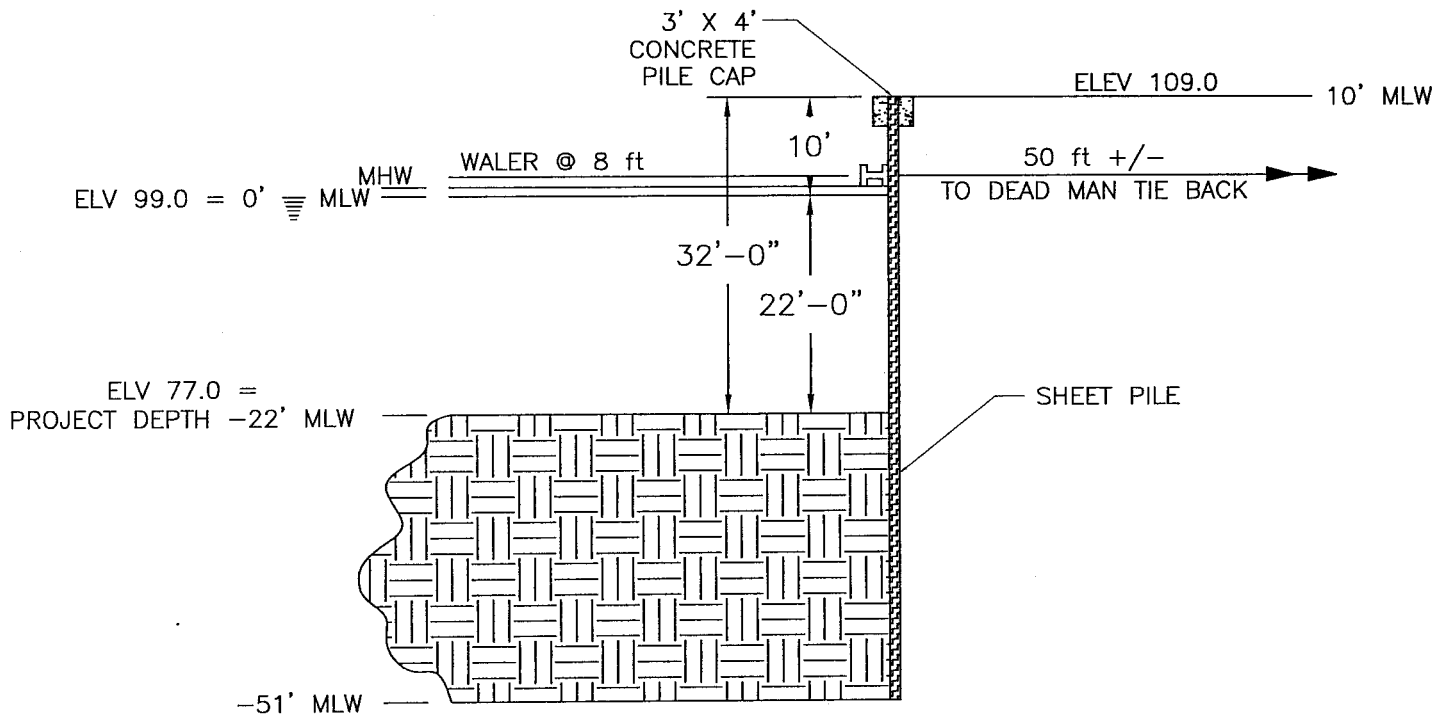
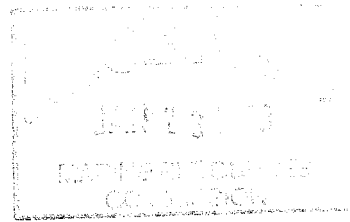
PROPOSED BULKHEAD, PIER & DREDGING
 IN: EASTERN BRANCH ELIZABETH RIVER
 CITY: NORFOLK STATE: VIRGINIA
 APPLICATION BY: COLONNA'S SHIPYARD

SCALE: 1"=30'
 SHEET 5 OF 11

DATE: JANUARY 20, 2009

U.S. ARMY CORPS OF ENGINEERS

JAN 28 2009



U. S. ARMY CORPS OF ENGINEERS
RECEIVED
JAN 28 2009
URGENT
BY _____

PURPOSE: BULKHEAD, PIER & DREDGING
DATUM: N.O.S. MLLW=0.0'

ADJACENT PROPERTY OWNERS:

- ① ELM ENTERPRISES, LLC
- ② NORFOLK & SOUTHERN

BULKHEAD CROSS SECTION

PREPARED BY:

Waterway

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PROPOSED BULKHEAD, PIER & DREDGING
IN: EASTERN BRANCH ELIZABETH RIVER
CITY: NORFOLK STATE: VIRGINIA
APPLICATION BY: COLONNA'S SHIPYARD

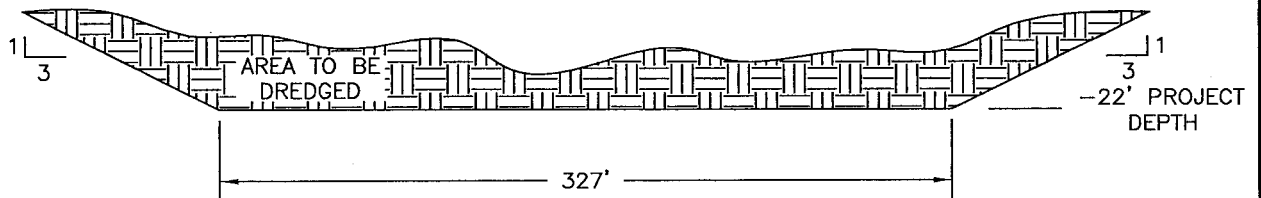
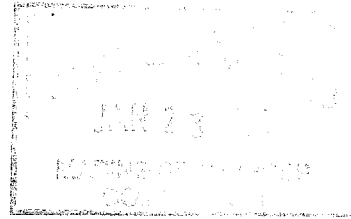
SCALE: N.T.S.
SHEET 6 OF 11

DATE: JANUARY 20, 2009

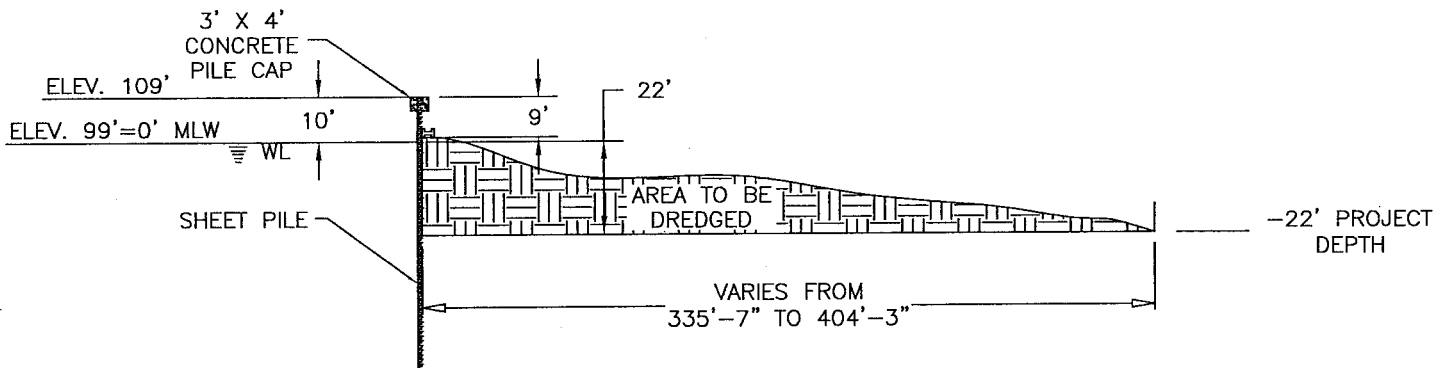


② NORFOLK & SOUTHERN

DATE: JANUARY 20, 2009



SECTION A-A



SECTION B-B

U. S. ARMY CORPS OF ENGINEERS

PROPOSED
JAN 28 2009
BY WATERWAY

PURPOSE: BULKHEAD, PIER & DREDGING
DATUM: N.O.S. MLLW=0.0'

ADJACENT PROPERTY OWNERS:

- ① ELM ENTERPRISES, LLC
- ② NORFOLK & SOUTHERN

DREDGING CROSS SECTIONS

PREPARED BY:

Waterway

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321 Cleveland Place, Virginia Beach, Va. 23462
Tel: (757) 490-1691 Fax: (757) 490-1348

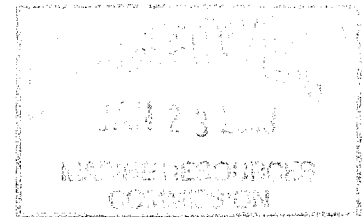
PROPOSED BULKHEAD, PIER & DREDGING
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CITY: NORFOLK STATE: VIRGINIA
APPLICATION BY: COLONNA'S SHIPYARD

SCALE: N.T.S.
SHEET 8 OF 11

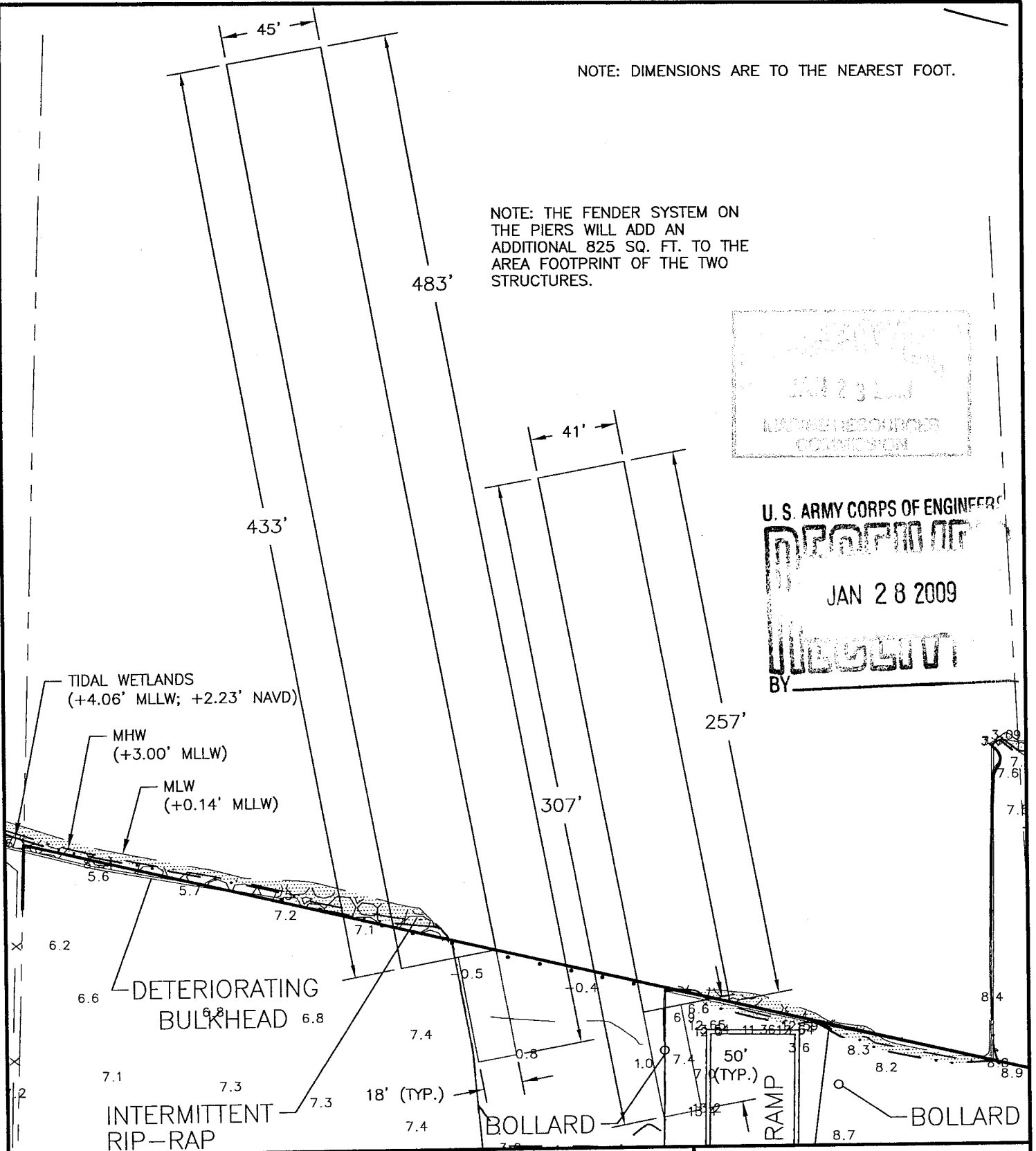
DATE: JANUARY 20, 2009

NOTE: DIMENSIONS ARE TO THE NEAREST FOOT.

NOTE: THE FENDER SYSTEM ON THE PIERS WILL ADD AN ADDITIONAL 825 SQ. FT. TO THE AREA FOOTPRINT OF THE TWO STRUCTURES.



U. S. ARMY CORPS OF ENGINEERS
DEPARTMENT
 JAN 28 2009
DESIGN
 BY _____



PURPOSE: BULKHEAD, PIER & DREDGING
 DATUM: N.O.S. MLLW=0.0'

ADJACENT PROPERTY OWNERS:

- ① ELM ENTERPRISES, LLC
- ② NORFOLK & SOUTHERN

PIER PLAN VIEW

PREPARED BY:

Waterway

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 CITY: NORFOLK STATE: VIRGINIA
 APPLICATION BY: COLONNA'S SHIPYARD

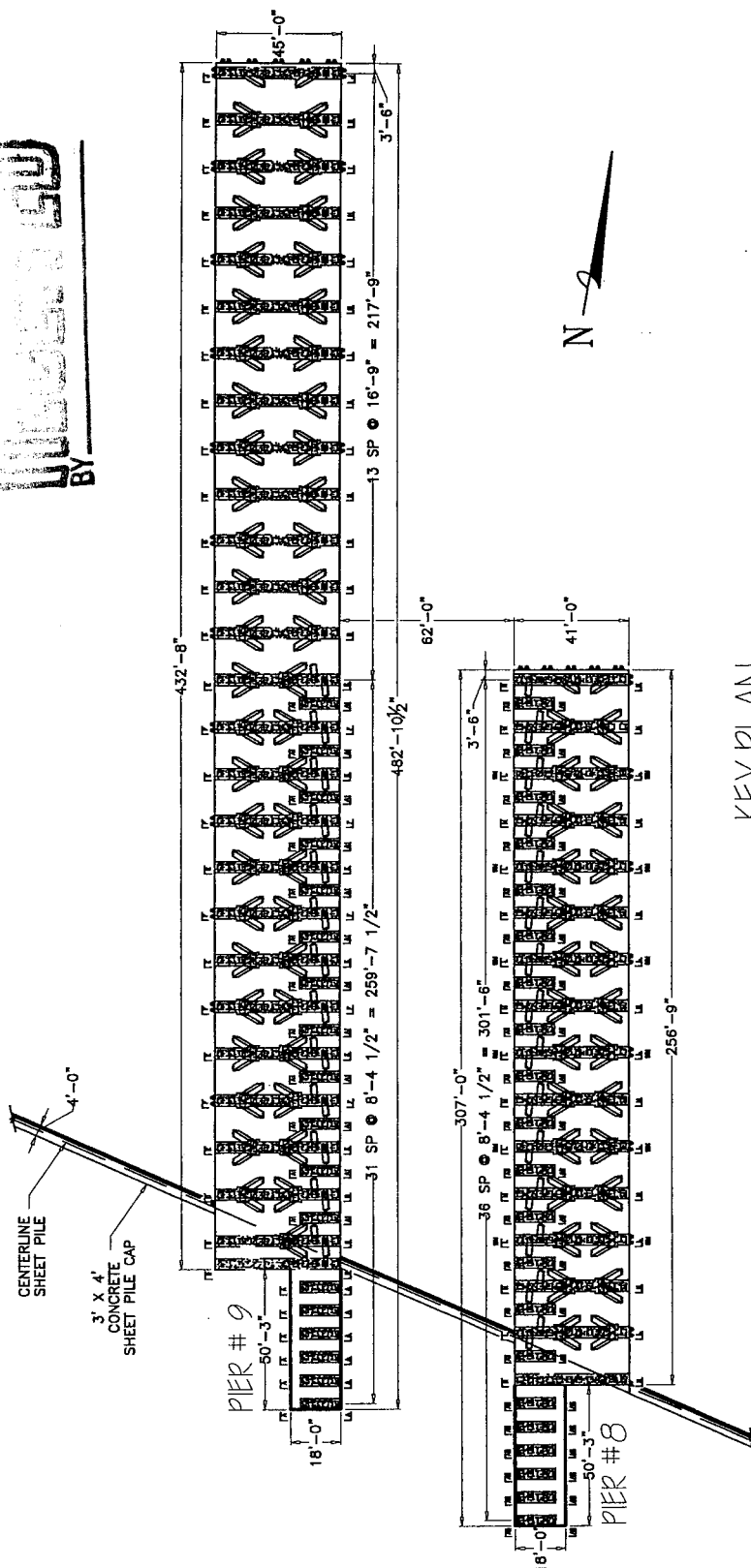
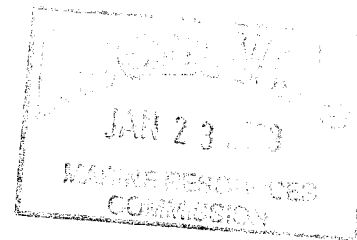
SCALE: 1"=60'
 SHEET 9 OF 11

DATE: JANUARY 20, 2009

U.S. ARMY CORPS OF ENGINEERS

JAN 28 2009

BY



KEY PLAN

CONCRETE PIER # 7 - 50' X 430'

PURPOSE: BULKHEAD, PIER & DREDGING
DATUM: N.O.S. MLLW=0.0'

ADJACENT PROPERTY OWNERS:

- ① ELM ENTERPRISES, LLC
- ② NORFOLK & SOUTHERN

PIER DETAIL

PREPARED BY:

Waterway

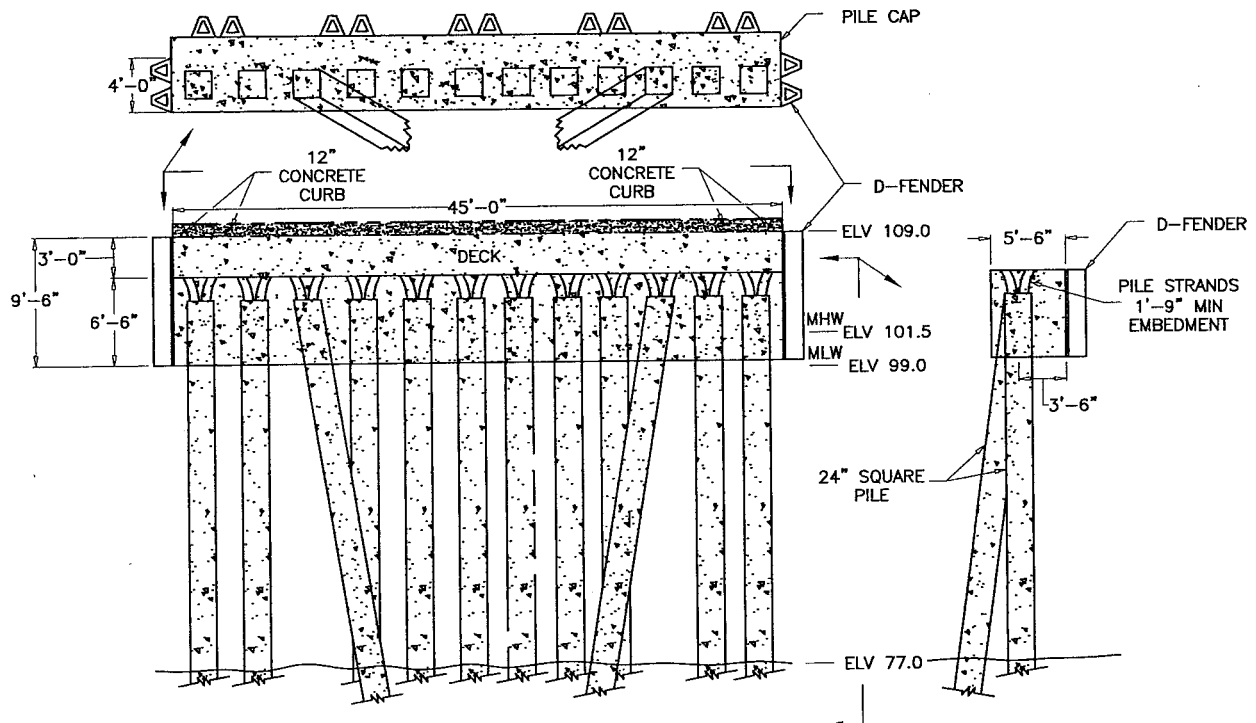
Surveys & Engineering, Ltd.
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Tel: (757) 450-1691 Fax: (757) 450-1348

PROPOSED BULKHEAD, PIER & DREDGING
IN: EASTERN BRANCH ELIZABETH RIVER
CITY: NORFOLK STATE: VIRGINIA
APPLICATION BY: COLONNA'S SHIPYARD

SCALE: N.T.S.

DATE: JANUARY 20, 2009

SHEET 10 OF 11



U. S. ARMY CORPS OF ENGINEERS
 DESIGNED BY
 JAN 20 2009

JAN 23 2009
 NATIVE AMERICAN
 COUNCIL

PURPOSE: BULKHEAD, PIER & DREDGING
 DATUM: N.O.S. MLLW=0.0'

ADJACENT PROPERTY OWNERS:

- ① ELM ENTERPRISES, LLC
- ② NORFOLK & SOUTHERN

PIER TYPICAL SECTION

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Waterway

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PROPOSED BULKHEAD, PIER & DREDGING
 IN: EASTERN BRANCH ELIZABETH RIVER
 CITY: NORFOLK STATE: VIRGINIA
 APPLICATION BY: COLONNA'S SHIPYARD

SCALE: N.T.S.
 SHEET 11 OF 11

DATE: JANUARY 20, 2009